IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 31709 of 1998

Between:

R Vittal S/o Kochaiah, 59 years

Occ. Retired from Cooperative Service R/o Nalgonda

..... PETITIONER

AND

1.The Additional Registrar of Cooperative Societies,

Andhra Pradesh, Hyderabad

2.The General Manager,

The Nalgonda District Cooperative Central Bank Ltd.,

Nalgonda

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a direction, writ or order one in the nature of Certiorari, a) calling for the records pertaining to the proceedings bearing Rc.No.25867/97-L1, dt.25.9.98 by which the revision filed by the petitioner before the first respondent has been rejected and the same may be set aside; b) call for the records pertaining to the dismissal order dated 3l.3.97 bearing Rc.No.Estt/E3/F.108/96-97; c) declare that the action of the respondents in dismissing the petitioner from service through proceedings dt.3l.3.97 bearing Rc.No.Estt/E3/F.108/96-97 issued by the 2nd respondent without giving an opportunity land without serving an Enquiry Report along with the show cause notice and not giving opportunity to file explanation to the show cause notice as arbitrary and illegal and the same may be set aside; d) granting all consequential benefits; e) awarding costs; or any other order or orders

appropriate in the circumstances of the case may be passed.

Counsel for the Petitioner: MR.M.RAMA RAO

Counsel for the Respondents: G.P. for Labour

This Court made the following:

ORDER:

Heard both sides.

2. The only question that falls for consideration in this Writ Petition is, whether the respondents have violated the principles of natural justice while terminating the services of the petitioner herein?

3. Admittedly, the show cause notice dated 24.03.1997 bearing Rc.No.Estt/E.3/F.108/96-97 was served on the petitioner on 29.03.1997 (Saturday) at 6.50 p.m. by the 2nd respondent and the petitioner was supposed to submit his reply within a period of one week from the date of receipt of the said notice. But unfortunately the 2nd respondent had issued final proceedings dated 31.03.1997 bearing Rc.No.Estt/E.3/F.108/96-97, without waiting for the explanation to be offered by the petitioner. Therefore, it is a case of gross violation of the principles of natural justice, apart from the statutory procedure to be adopted. Further, since there is a gross violation of principles of natural justice driving the petitioner to any other authority to work out his remedies is not warranted. Therefore, the order dated 31.03.1997 passed by the 2nd respondent, as confirmed by the first respondent in his proceedings in Rc.No.25867/97-L1 dated 25.09.1998, is liable to be set aside. Accordingly, the impugned orders are set aside. The petitioner is entitled for reinstatement into service with all consequential benefits. However, this order will not preclude the authorities from proceeding with the enquiry against the petitioner, if they so desire.

5. Accordingly, the Writ Petition is disposed of. No costs.

24-8-2004

BSS

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1.The Additional Registrar of Cooperative Societies,

Andhra Pradesh, Hyderabad

2.2 CCs for G.P. for Labour, High Court Buildings, Hyderabad (OUT)

3.2 CD copies.